

**2019 DRAFTING REQUEST****Bill**

For: **David Steffen (608) 266-5840** Drafter: **mjohns**  
 By: **Nicole** Secondary Drafters:  
 Date: **11/9/2018** May Contact:  
 Same as LRB: **-3454**

Submit via email: **YES**  
 Requester's email: **Rep.Steffen@legis.wisconsin.gov**  
 Carbon copy (CC) to: **Melinda.Johns@legis.wisconsin.gov**  
**Elizabeth.Wheeler@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Trespassing on the property of an energy provider

**Instructions:**

See attached bill language.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mjohns 11/20/2018	eweiss 11/21/2018			
/P1	mjohns 5/24/2019	ccarmich 5/24/2019	lparisi 11/21/2018		
/P2	mjohns 6/4/2019	wjackson 6/4/2019	dwalker 5/24/2019		
/1			jmurphy 6/4/2019	dwalker 6/5/2019	

FE Sent For:

*Not Needed*

<END>

# 2019 DRAFTING REQUEST

## Bill

For: **Mike Kuglitsch (608) 267-5158** Drafter: **mjohns**

By: **Garrett** Secondary Drafters:

Date: **11/9/2018** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Kuglitsch@legis.wisconsin.gov**  
 Carbon copy (CC) to: **Melinda.Johns@legis.wisconsin.gov**  
**Elizabeth.Wheeler@legis.wisconsin.gov**

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## Pre Topic:

No specific pre topic given

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## Topic:

Trespassing on the property of an energy provider

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## Instructions:

See attached bill language.

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## Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mjohns 11/20/2018	eweiss 11/21/2018			
/P1			lparisi 11/21/2018		Crime

FE Sent For: **<END>**

943.01 (2k) (a) In this subsection, "energy provider" means any of the following:

1. A public utility under s. 196.01 (5) (a) that is engaged in any of the following:
  - a. The production, transmission, delivery, or furnishing of heat, power, or light.
  - b. The transmission or delivery of natural gas.
2. A transmission company under s. 196.485 (1) (ge).
3. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power for its members.
4. A wholesale merchant plant under s. 196.491 (1) (w), except that "wholesale merchant plant" includes an electric generating facility or an improvement to an electric generating facility that is subject to a leased generation contract, as defined in s. 196.52 (9) (a) 3.
5. A decommissioned nuclear power plant.
6. A company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

(b) Any person violating sub. (1) under all of the following circumstances is guilty of a Class H felony:

1. The property damaged is owned, leased, or operated by an energy provider.
2. The actor intended to or did cause substantial interruption or impairment of any service or good provided by the energy provider.

Wis. Stat. 943.143

(1) (a) "Energy provider" means any of the following:

1. A public utility under s. 196.01 (5) (a) that is engaged in any of the following:
  - a. The production, transmission, delivery, or furnishing of heat, power, or light.
  - b. The transmission or delivery of natural gas.
2. A transmission company under s. 196.485 (1) (ge).
3. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power for its members.
4. A wholesale merchant plant under s. 196.491 (1) (w), except that "wholesale merchant plant" includes an electric generating facility or an improvement to an electric generating facility that is subject to a leased generation contract, as defined in s. 196.52 (9) (a) 3.
5. A decommissioned nuclear power plant.
6. A company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

(b) "Energy provider property" means property that is part of an electric generation, distribution, or transmission system or part of a natural gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation transmission or distribution system and that is owned, leased, or operated by an energy provider.

(2) Whoever intentionally enters an energy provider property without lawful authority and without the consent of the energy provider that owns, leases, or operates the property is guilty of a Class H felony.

895.446  
973.20  
(3) A person who is convicted under sub. (2) may be held personally liable for any damages to personal or real property committed by the person while trespassing or causing damage to property.

(4) A person or entity that knowingly recruits, trains, aids, advises, hires, counsels, conspires with, or otherwise procures another for the purpose of trespassing or causing damage to property as defined in sub. (1)(b) may also be jointly and severably liable for the damages under sub. (3).

\*\*Under Wisconsin law, a Class H felony is punishable with a fine of no more than \$10,000 or imprisonment for no longer than six years, or both.



State of Wisconsin  
2019 - 2020 LEGISLATURE

DUE 11/21/18

LRB-0759?

MLJ:...

emw

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA/  
XREC/  
PWF

1

AN ACT <sup>Gen.</sup> relating to: trespassing on the property of an energy provider and  
providing a criminal penalty. ✓

2

***Analysis by the Legislative Reference Bureau***

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage on the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3

SECTION 1. 943.01 (2k) (a) 6. of the statutes is created to read:

4

943.01 (2k) (a) 6. A company that operates a gas, oil, petroleum, refined

5

petroleum product, renewable fuel, or chemical generation, storage transportation,

6

or delivery system.

**SECTION 2.** 943.143 (1) (a) 6. of the statutes is created to read:

943.143 (1) (a) 6. A company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

**SECTION 3.** 943.143 (1) (b) of the statutes is amended to read:

943.143 (1) (b) “Energy provider property” means property that is part of an electric generation, distribution, or transmission system or part of a natural gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, transmission, or distribution system and that is owned, leased, or operated by an energy provider.

**History:** 2015 a. 158.

\*\*\*\*NOTE: Under current law, a person may already be held personally liable for damage to property as a result of a crime, either in restitution as part of the criminal judgement under s. 973.20 or by a civil action under s. 895.446. Additionally, a person who conspires to trespass would be guilty under s. 939.05 (2) (c), and could be held responsible for damage in the same way as the person who commits the crime.

**(END)**



State of Wisconsin  
2019 - 2020 LEGISLATURE

DUE 5/24/19

LRB-0759/P1

MLJ:emw

cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

SIA  
xref  
S/C

regen

- 1 AN ACT *to amend* 943.143 (1) (b); and *to create* 943.01 (2k) (a) 6. and 943.143  
2 (1) (a) 6. of the statutes; **relating to:** trespassing on the property of an energy  
3 provider and providing a penalty.

*Analysis by the Legislative Reference Bureau*

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

INSERT  
1-4

4

SECTION 1. 943.01 (2k) (a) 6. of the statutes is created to read:

1 943.01 (2k) (a) 6. A company that operates a gas, oil, petroleum, refined  
2 petroleum product, renewable fuel, <sup>water,</sup> or chemical generation, storage transportation,  
3 or delivery system.

INSERT  
2-4 4 SECTION 2. 943.143 (1) (a) 6. of the statutes is created to read:

5 943.143 (1) (a) 6. A company that operates a gas, oil, petroleum, refined  
6 petroleum product, renewable fuel, <sup>water,</sup> or chemical generation, storage transportation,  
7 or delivery system.

8 SECTION 3. 943.143 (1) (b) of the statutes is amended to read:

9 943.143 (1) (b) "Energy provider property" means property that is part of an  
10 electric generation, distribution, or transmission system or part of a natural gas, oil,  
11 petroleum, refined petroleum product, renewable fuel, or chemical generation,  
12 transmission, or distribution system and that is owned, leased, or operated by an  
13 energy provider.

INSERT  
2-14 14  
\*\*\*\*NOTE: Under current law, a person may already be held personally liable for damage to property as a result of a crime, either in restitution as part of the criminal judgment under s. 973.20 or by a civil action under s. 895.446. Additionally, a person who conspires to trespass would be guilty under s. 939.05 (2) (c) and could be held responsible for damage in the same way as the person who commits the crime.

(END)

**2019-2020 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0759/p2ins  
MLJ:...

1           INSERT 1-4

2           **SECTION 1.** 943.01 (2k) (a) 1. a. of the statutes is amended to read:

3           943.01 **(2k)** (a) 1. a. The production, transmission, delivery, or furnishing of  
4    heat, power, ~~or light, or water.~~

*History:* 1977 c. 173; 1981 c. 118 s. 9; 1987 a. 399; 1993 a. 262, 486; 1995 a. 133, 208; 1997 a. 143; 2001 a. 16, 109; 2015 a. 158.

5           **SECTION 2.** 943.01 (2k) (a) 3. of the statutes is amended to read:

6           943.01 **(2k)** (a) 3. A cooperative association organized under ch. 185 for the  
7    purpose of producing or furnishing heat, light, ~~or power, or water~~ for its members.

*History:* 1977 c. 173; 1981 c. 118 s. 9; 1987 a. 399; 1993 a. 262, 486; 1995 a. 133, 208; 1997 a. 143; 2001 a. 16, 109; 2015 a. 158.

9           INSERT 2-4

10          **SECTION 3.** 943.01 (2k) (c) of the statutes is created to read:

11          943.01 **(2k)** (c) Paragraph (b) does not apply to any of the following:

12          1. Any person who is:

13          a. Monitoring ~~or~~ compliance with public or worker safety laws, wage and hour  
14    requirements, or other statutory requirements.

15          b. Engaging in picketing occurring at the workplace that is otherwise lawful  
16    and arises out of a bona fide labor dispute including any controversy concerning any  
17    of the following: wages or salaries; hour; working conditions; benefits, including  
18    welfare, sick leave, insurance, pension or retirement provisions; or the managing or  
19    maintenance of collective bargaining agreements and the terms to be included in  
20    those agreements.

1 c. Engaged in union organizing or recruitment activities that is otherwise  
2 lawful including attempting to reach workers verbally, in writing, and in the  
3 investigation of non-union working conditions.

4 2. An exercise of a person's right of free speech or assembly that is otherwise  
5 lawful.

6 **SECTION 4.** 943.143 (1) (a) 1. a. of the statutes is amended to read:

7 943.143 (1) (a) 1. a. The production, transmission, delivery, or furnishing of  
8 heat, power, ~~or~~ light, or water.

History: 2015 a. 158.

9 **SECTION 5.** 943.143 (1) (a) 3. of the statutes is amended to read:

10 943.143 (1) (a) 3. A cooperative association organized under ch. 185 for the  
11 purpose of producing or furnishing heat, light, ~~or~~ power, or water for its members.

History: 2015 a. 158.

12  
13 **INSERT 2-14**

\*\*\*\*NOTE: I amended the definition of "energy provider property" as needed to include water providers and in the process condensed the list so that electric companies are not a separate list. Under current law the separation is to differentiate between electric providers which are included if they are engaged in generation, distribution, or transmission, and natural gas providers which are only included if they are engaged in distribution. Because all providers are now eligible regardless of whether they are engaged in generation, transmission, or delivery, I have condensed the list to be as concise as possible. Please let me know if this is inconsistent with your intent.

14 **SECTION 6.** 943.143 (3) of the statutes is created to read:

15 943.143 (3) This section does not apply to any of the following:

16 (a) Any person who is:

17 1. Monitoring <sup>of</sup> compliance with public or worker safety laws, wage and hour  
18 requirements, or other statutory requirements.

19 2. Engaging in picketing occurring at the workplace that is otherwise lawful  
20 and arises out of a bona fide labor dispute including any controversy concerning any

1 of the following: wages or salaries; hour; working conditions; benefits, including  
2 welfare, sick leave, insurance, pension or retirement provisions; or the managing or  
3 maintenance of collective bargaining agreements and the terms to be included in  
4 those agreements.

5 3. Engaging in union organizing or recruitment activities that are otherwise  
6 lawful including attempting to reach workers verbally, in writing, and in the  
7 investigation of non-union working conditions.

8 (b) An exercise of a person's right of free speech or assembly that is otherwise  
9 lawful.



State of Wisconsin  
2019 - 2020 LEGISLATURE

DUE 6/4/19

LRB-0759/P2  
MLJ:cdc

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT to amend** 943.01 (2k) (a) 1. a., 943.01 (2k) (a) 3., 943.143 (1) (a) 1. a.,  
2             943.143 (1) (a) 3. and 943.143 (1) (b); and **to create** 943.01 (2k) (a) 6., 943.01  
3             (2k) (c), 943.143 (1) (a) 6. and 943.143 (3) of the statutes; **relating to:**  
4             trespassing on the property of an energy provider and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

5             **SECTION 1.** 943.01 (2k) (a) 1. a. of the statutes is amended to read:

1           943.01 **(2k)** (a) 1. a. The production, transmission, delivery, or furnishing of  
2   heat, power, ~~or light~~, or water.

3           **SECTION 2.** 943.01 (2k) (a) 3. of the statutes is amended to read:

4           943.01 **(2k)** (a) 3. A cooperative association organized under ch. 185 for the  
5   purpose of producing or furnishing heat, light, ~~or power~~, or water for its members.

6           **SECTION 3.** 943.01 (2k) (a) 6. of the statutes is created to read:

7           943.01 **(2k)** (a) 6. A company that operates a gas, oil, petroleum, refined  
8   petroleum product, renewable fuel, water, or chemical generation, storage  
9   transportation, or delivery system.

10          **SECTION 4.** 943.01 (2k) (c) of the statutes is created to read:

11          943.01 **(2k)** (c) Paragraph (b) does not apply to any of the following:

12          1. Any person who is:

13          a. Monitoring compliance with public or worker safety laws, wage and hour  
14   requirements, or other statutory requirements.

15          b. Engaging in picketing occurring at the workplace that is otherwise lawful  
16   and arises out of a bona fide labor dispute including any controversy concerning any  
17   of the following: wages or salaries; hour; working conditions; benefits, including  
18   welfare, sick leave, insurance, pension or retirement provisions; or the managing or  
19   maintenance of collective bargaining agreements and the terms to be included in  
20   those agreements.

21          c. Engaged in union organizing or recruitment activities that is otherwise  
22   lawful including attempting to reach workers verbally, in writing, and in the  
23   investigation of non-union working conditions.

24          2. An exercise of a person's right of free speech or assembly that is otherwise  
25   lawful.

1           **SECTION 5.** 943.143 (1) (a) 1. a. of the statutes is amended to read:

2           943.143 (1) (a) 1. a. The production, transmission, delivery, or furnishing of  
3           heat, power, or light, or water.

4           **SECTION 6.** 943.143 (1) (a) 3. of the statutes is amended to read:

5           943.143 (1) (a) 3. A cooperative association organized under ch. 185 for the  
6           purpose of producing or furnishing heat, light, or power, or water for its members.

7           **SECTION 7.** 943.143 (1) (a) 6. of the statutes is created to read:

8           943.143 (1) (a) 6. A company that operates a gas, oil, petroleum, refined  
9           petroleum product, renewable fuel, water, or chemical generation, storage  
10          transportation, or delivery system.

11          **SECTION 8.** 943.143 (1) (b) of the statutes is amended to read:

12          943.143 (1) (b) "Energy provider property" means property that is part of an  
13          electric generation, ~~distribution, or transmission system or part of a~~, natural gas, oil,  
14          petroleum, refined petroleum product, renewable fuel, water, or chemical  
15          generation, transmission, or distribution system and that is owned, leased, or  
16          operated by an energy provider.

\*\*\*NOTE: I amended the definition of "energy provider property" as needed to include water providers and in the process condensed the list so that electric companies are not a separate list. Under current law the separation is to differentiate between electric providers which are included if they are engaged in generation, distribution, or transmission, and natural gas providers which are only included if they are engaged in distribution. Because all providers are now eligible regardless of whether they are engaged in generation, transmission, or delivery, I have condensed the list to be as concise as possible. Please let me know if this is inconsistent with your intent.

17          **SECTION 9.** 943.143 (3) of the statutes is created to read:

18          943.143 (3) This section does not apply to any of the following:

19          (a) Any person who is:

20               1. Monitoring compliance with public or worker safety laws, wage and hour  
21          requirements, or other statutory requirements.

2. Engaging in picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning any of the following: wages or salaries; hour; working conditions; benefits, including welfare, sick leave, insurance, pension or retirement provisions; or the managing or maintenance of collective bargaining agreements and the terms to be included in those agreements.

3. Engaging in union organizing or recruitment activities that are otherwise lawful including attempting to reach workers verbally, in writing, and in the investigation of non-union working conditions.

(b) An exercise of a person's right of free speech or assembly that is otherwise lawful.

**(END)**



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-0759/1

MLJ:cde

CORRECTED COPY

2019 ASSEMBLY BILL 426

I screened  
up Analysis  
THANKS!

September 12, 2019 - Introduced by Representatives STEFFEN, FIELDS, BORN, GUNDRUM, KUGLITSCH, KULP, RODRIGUEZ, SINICKI, SKOWRONSKI, TUSLER and VRUWINK, cosponsored by Senators WANGGAARD, BEWLEY, NASS, OLSEN and SCHACHTNER. Referred to Committee on Energy and Utilities.

1 AN ACT *to amend* 943.01 (2k) (a) 1. a., 943.01 (2k) (a) 3., 943.143 (1) (a) 1. a.,  
2 943.143 (1) (a) 3. and 943.143 (1) (b); and *to create* 943.01 (2k) (a) 6., 943.01  
3 (2k) (c), 943.143 (1) (a) 6. and 943.143 (3) of the statutes; **relating to:**  
4 trespassing on the property of an energy provider and providing a penalty.

---

*Analysis by the Legislative Reference Bureau*

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5 SECTION 1. 943.01 (2k) (a) 1. a. of the statutes is amended to read:



State of Wisconsin  
2019 - 2020 LEGISLATURE

CORRECTED  
COPY

LRB-0759/1  
MLJ:cdc

2019 ASSEMBLY BILL 426

09-17-2019

September 12, 2019 - Introduced by Representatives STEFFEN, FIELDS, BORN, GUNDRUM, KUGLITSCH, KULP, RODRIGUEZ, SINICKI, SKOWRONSKI, TUSLER and VRUWINK, cosponsored by Senators WANGGAARD, BEWLEY, NASS, OLSEN and SCHACHTNER. Referred to Committee on Energy and Utilities.

1 AN ACT *to amend* 943.01 (2k) (a) 1. a., 943.01 (2k) (a) 3., 943.143 (1) (a) 1. a.,  
2 943.143 (1) (a) 3. and 943.143 (1) (b); and *to create* 943.01 (2k) (a) 6., 943.01  
3 (2k) (c), 943.143 (1) (a) 6. and 943.143 (3) of the statutes; **relating to:**  
4 trespassing on the property of an energy provider and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

Under current law, it is a Class H felony to trespass on the property of an energy provider or to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

5 SECTION 1. 943.01 (2k) (a) 1. a. of the statutes is amended to read: